

S.C.R. 22**NINETEENTH DAY
(Thursday, February 13, 1975)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams and Schwartz.

A quorum was announced present.

The Reverend Charles H. Huffman, St. Matthew's Episcopal Church, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Adams was granted leave of absence for today on account of important business on motion of Senator McKnight.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Aikin.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 113 (Amended)

Senator Aikin submitted the following reports for the Committee on Finance:

H.B. 216

S.B. 177

S.B. 74

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 228
S.B. 39
S.B. 238 (Amended)
S.B. 140 (Amended)
S.B. 40

Senator Sherman submitted the following report for the Committee on Natural Resources:

S.C.R. 23

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 44
H.C.R. 37
H.C.R. 36
H.J.R. 6
H.B. 102

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Farabee:

S.B. 324, A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, procedures, and financing of the Matador Water District under Article XVI, Section 59, of the Texas Constitution; and declaring an emergency.
To Committee on Natural Resources.

By Senator Braecklein:

S.B. 325, A bill to be entitled An Act relating to excluding from the definition of sales price under the Limited Sales, Excise and Use Tax Act certain tips and gratuities; amending Subsection (3), Section (L), Article 20.01, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.
To Committee on Finance.

By Senator McKinnon:

S.B. 326, A bill to be entitled An Act relating to the abolishment of the Compensation Claim Board; repealing Article 75, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.
To Committee on State Affairs.

By Senator McKinnon:

S.B. 327, A bill to be entitled An Act relating to judgments held by the state against insolvent persons; repealing Article 4405, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.
To Committee on State Affairs.

By Senator McKinnon:

S.B. 328, A bill to be entitled An Act relating to the abolishment of the Burial Association Rate Board; repealing Article 14.40, Insurance Code; and declaring an emergency.

To Committee on State Affairs.

By Senator McKinnon:

S.B. 329, A bill to be entitled An Act relating to financial reports required of state institutions of higher education; amending Section 51.005, Texas Education Code; and declaring an emergency.

To Committee on State Affairs.

By Senator McKinnon:

S.B. 330, A bill to be entitled An Act relating to the exemptions in the Travel Regulations Act of 1959; amending the Travel Regulations Act of 1959, as amended (Article 6823a, Vernon's Texas Civil Statutes), by amending Section 11 and adding Section 11A; and declaring an emergency.

To Committee on State Affairs.

By Senator McKinnon:

S.B. 331, A bill to be entitled An Act relating to exemptions in the Position Classification Act of 1961; amending the Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Harrington:

S.B. 332, A bill to be entitled An Act relating to the term of branch pilots' licenses; amending Article 8253, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Longoria:

S.B. 333, A bill to be entitled An Act relating to increasing the membership of the Public Safety Commission; amending Section 2, Chapter 181, Acts of the 44th Legislature, Regular Session, 1935 (Article 4413(2), Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Mengden:

S.B. 334, A bill to be entitled An Act relating to proof of financial responsibility on registration of a motor vehicle and maintenance of proof of financial responsibility; amending the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Economic Development.

By Senator Mauzy:

S.B. 336, A bill to be entitled An Act relating to prima facie evidence of reasonable and necessary medical and hospital expenses; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Moore:

S.B. 337, A bill to be entitled An Act to supplement the appropriation to Sam Houston State University for utilities for the year ending August 31, 1975, by the amount of \$204,601.00 to pay additional cost of purchased utilities to the educational and general facilities of the University; and declaring an emergency.

To Committee on Finance.

By Senator Clower:

S.B. 338, A bill to be entitled An Act relating to the compensation by the state of victims of certain crimes; and declaring an emergency.

To Committee on State Affairs.

By Senator Clower:

S.B. 339, A bill to be entitled An Act relating to a non-suit in district and county courts; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Clower:

S.B. 340, A bill to be entitled An Act relating to the termination of the employment of an employee who serves as a juror; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Mauzy:

S.B. 341, A bill to be entitled An Act relating to state coordination of higher education; amending Subsections (d), (e), and (f), Section 61.051, Texas Education Code; and adding Subsection (j); and declaring an emergency.

To Committee on Education.

By Senator Mauzy:

S.B. 342, A bill to be entitled An Act relating to the authority of the Coordinating Board, Texas College and University System, to contract with the State Board of Education for the performance of certain administrative functions; amending Subsection (a), Section 11.24, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senators Brooks, Traeger, Hance, Lombardino, Gammage, Kothmann, Braecklein, Longoria, Ogg, Mengden and Williams.

S.B. 343, A bill to be entitled An Act relating to the right, power and authority of the Coordinating Board, Texas College and University System, to contract with the teaching hospitals for the state medical schools, to provide services for the education and training of medical students; adding Subchapter F to Chapter 61, Texas Education Code; amending Sections 73.057., 74.154., and 74.205., Texas Education Code; providing a severability clause; and declaring an emergency.

To Committee on Human Resources.

By Senators Patman, Hance, Creighton, and Farabee:

S.J.R. 34, Proposing an amendment to Article VIII, Section 1, of the Texas Constitution, to provide that certain refundable assessments are not taxes.

To Committee on Natural Resources.

By Senators Mengden and Clower:

S.J.R. 35, Proposing to amend Articles III and XVII, Constitution of the State of Texas, so as to reserve in the people the powers of initiative and referendum.

To Committee on Texas Constitution.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 13, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 48, Granting permission to the Texas YMCA Youth and Government program to use the House and Senate Chambers.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 13, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Trustees of the Texas County and District Retirement System: For a six-year term to expire December 31, 1979: The Honorable Raymon Q. Thompson of Graham, Young County is being reappointed; Mr. Wilburn Rust of Austin, Travis County is replacing Mr. F. S. Walters, Jr., of Amarillo, Potter County whose term expired; Mr. Carl S. Smith of Houston, Harris County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Regents of Texas Woman's University: For a six-year term to expire January 10, 1981: Mrs. Carl L. Estes of Longview, Gregg County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

CO-AUTHOR OF SENATE BILL 37

On motion of Senator Aikin and by unanimous consent, Senator Gammage will be shown as Co-author of **S.B. 37**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 31

On motion of Senator Mengden and by unanimous consent, Senator Ogg will be shown as Co-author of **S.J.R. 31**.

HOUSE BILL 220 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 220, A bill to be entitled An Act to supplement the appropriation to the Texas State Board of Examiners of Psychologists; and declaring an emergency. (The bill having been submitted by the Governor as an emergency.)

The bill was read second time and was passed to third reading.

HOUSE BILL 220 ON THIRD READING

Senator Sherman moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 220** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams and Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote: Yeas 29, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams and Schwartz.

SENATE BILL 68 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 68, A bill to be entitled An Act making a supplemental appropriation to the State Board of Landscape Architects; and declaring an emergency. (The bill having been submitted by the Governor as an emergency.)

The bill was read second time and was passed to engrossment.

SENATE BILL 68 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 68** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams and Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams and Schwartz.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKinnon having given notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 13, Nays 16.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Lombardino, Longoria, Mauzy, Patman and Sherman.

Nays: Andujar, Creighton, Farabee, Harris, Jones, Kothmann, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger and Williams.

Absent-excused: Adams and Schwartz.

SENATOR ANNOUNCED PRESENT

Senator Schwartz who had previously been recorded as "Absent-Excused" was announced "Present".

Senator McKinnon asked unanimous consent that two additional nominees be added to the list previously submitted. There was no objection.

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:35 o'clock a.m. today.

Senator McKinnon moved confirmation of the nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

There were no motions offered.

The following nominees were then confirmed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

NOMINEES CONFIRMED

Executive Director, Texas Department of Community Affairs: For a term at the pleasure of the Governor: Mr. Ben F. McDonald, Jr. of Corpus Christi, Nueces County is replacing Mr. B. R. Fuller of Austin.

Members, Texas Mass Transportation Commission: For a six-year term to expire August 31, 1979: Mr. Alfredo Villalobos, Jr. of El Paso, El Paso County is replacing Mr. Robert Cutler of El Paso whose term expired; Mr. Clarence E. Long of San Antonio, Bexar County is replacing Mr. Clyde R. Malone of Austin whose term expired.

Members, Finance Commission of Texas: Members, Banking Section: For a six-year term to expire February 1, 1979: Mr. Edwin Brown of Troup, Smith County is replacing Mr. Robert A. Mann of Trinidad who resigned; Mr. V. A. Clements, Jr. of Longview, Gregg County is replacing Mr. Paul D. Lindsey of Dallas whose term expired.

Members, Building and Loan Section: For a six-year term to expire February 1, 1979: Mr. James R. Dickson, Jr. of Waco, McLennan County is replacing Mr. C. D. Snow of Laredo whose term expired.

For a six-year term to expire February 1, 1975: Mr. Robert B. Baldwin III of Houston, Harris County is replacing Mr. Rex G. Baker, Jr. of Houston who resigned.

Members, Good Neighbor Commission: For a six-year term to expire June 19, 1979: Mr. Margal M. Vicars of Brownsville, Cameron County is being reappointed; Doctor Xico P. Garcia of Corpus Christi, Nueces County is replacing Mr. W. Newell of Alpine whose term expired; Mr. Henry A. Guerra, Jr. of San Antonio, Bexar County is replacing Mrs. R. J. Long of Austin whose term expired.

Members, Texas Amusement Machine Commission: For a six-year term to expire September 1, 1979: Mr. Hall E. Timanus, Sr. of Houston, Harris County is replacing Mr. Don M. Edmondson of San Antonio who resigned; Mr. L. G. Moore of Deer Park, Harris County is replacing Mr. Gene Hendryx of Alpine whose term expired.

Member, Public Safety Commission: For a six-year term to expire December 31, 1979: Mr. Robert R. Shelton of Kingsville, Kleberg County is replacing Mr. Marion T. Key of Lubbock whose term expired.

Members, Texas Commission on the Arts and Humanities: For a six-year term to expire August 31, 1979: Mrs. Trammell Crow of Dallas, Dallas County is replacing Doctor John T. Biggers of Houston whose term expired; Mrs. Mary Moody Northen of Galveston, Galveston County is replacing Mr. Sylvan Long of San Antonio whose term expired; Mrs. Wesley West of Houston, Harris County is replacing Mrs. Faye Sarofim of Houston whose term expired; Mrs. Laurel Dammier of Amarillo, Potter County is replacing Mr. Charles A. Stewart of Brownwood whose term expired; Mr. Bill Burford of Dallas, Dallas County is replacing Mr. Ted Strauss of Dallas whose term expired.

Members, Greater South Texas Cultural Basin Commission: For a two-year term to expire August 27, 1975: To represent local citizens: Mr. Pat L. Pace of Brownsville, Cameron County; Mr. Jose Noe Gonzalez of Edinburg, Hidalgo County; Mr. Phil Garcia, Jr. of Kingsville, Kleberg County; Mr. Richard Demunbrun of San Antonio, Bexar County; Mr. James DeAnda of Corpus Christi, Nueces County. To represent COG Chairman/Presidents: Mrs. Lila Cockrell of San Antonio, Bexar County; The Honorable Bill Rapp of Raymondville, Willacy County; The Honorable John M. Turner of Beeville, Bee County; The Honorable W. B. Sansom of Leakey, Real County; The Honorable J. C. Martin, Jr. of Laredo, Webb County.

To represent state officials: Mr. Harry Burleigh of Austin, Travis County; Dr. J. W. Edgar of Austin, Travis County; Dr. James E. Peavy of Austin, Travis County; Mr. Harold K. Dudley of Austin, Travis County; Mr. Raymond W. Vowell of Austin, Travis County; Mr. James H. Harwell of Austin, Travis County.

To represent federal officials: Mr. Joseph B. Swanner of Austin, Travis County; Mr. Finis Jolly of San Antonio, Bexar County; Mr. Paul H. Story of Dallas, Dallas County; Mr. Scott Tuxhorn of Dallas, Dallas County.

The Honorable Liborio Hinojosa of Mercedes, Hidalgo County is replacing Judge William Rapp of Raymondville who resigned; Mr. Stuart Clarke of Dallas, Dallas County is replacing Mr. Scott Tuxhorn of Dallas, Dallas County who resigned; Dr. M. L. Brockette of Austin, Travis County is replacing Dr. J. W. Edgar of Austin who resigned; The Honorable Howard Langford of Uvalde, Uvalde County is replacing Judge W. B. Sansom of Leakey who resigned.

Members, John F. Kennedy Memorial Commission: For a six-year term to expire February 1, 1979: Mr. Elsworth Drummer of San Antonio, Bexar County is replacing Reverend Francis J. Furey of San Antonio whose term expired; The Honorable Raul Gonzales of Sinton, San Patricio County is replacing Mr. Lee A. Lewis of Houston whose term expired; Mr. George Casseb of San Antonio, Bexar County is replacing Mr. George Ozuna of San Antonio whose term expired.

Members, Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission: For a six-year term to expire January 3, 1979: The Honorable Gordon Sauer of Fredericksburg, Gillespie County is replacing Mr. Marvin Watson of Daingerfield whose term expired; Mrs. Cary Isenberg of Dallas, Dallas County is replacing Mr. W. B. Wetsel, Jr. of Sweetwater whose term expired; Mr. Paul Thayer of Dallas, Dallas County is being reappointed.

District Judge of the 181st Judicial District, Potter and Randall Counties, Texas until the next general election in 1976 and until his successor shall be duly elected and qualified: The Honorable George E. Dowlen of Canyon, Randall County is replacing Judge Don M. Dean of Amarillo who resigned.

Criminal District Attorney of Randall County, Texas until the next general election in 1976 and until his successor shall be duly elected and qualified: Mr. Randall L. Sherrod of Amarillo, Potter County is replacing Mr. George Dowlen of Canyon who resigned.

SENATE BILL 72 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 72, A bill to be entitled An Act making a supplemental appropriation to the State Board of Control; and declaring an emergency. (The bill having been submitted by the Governor as an emergency.)

The bill was read second time and was passed to engrossment.

SENATE BILL 72 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 72** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

SENATE BILL 83 ON SECOND READING

Senator Doggett moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 83** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino,

Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

The President laid before the Senate on its second reading and passed to engrossment:

S.B. 83, A bill to be entitled An Act relating to certain pension benefits and allowances for certain firemen or their survivors; amending Sections 6C and 6C-1 and adding Subsection (d) to Section 7D and Subsection (k) to Section 12B, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 83 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 83** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Brackklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Brackklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

SENATE BILL 90 ON SECOND READING

Senator Doggett moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 90** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Brackklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman,

Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 90, A bill to be entitled An Act relating to the Employees Retirement System of Texas, etc., and declaring an emergency.

The bill was read second time.

Senator Doggett offered the following Committee Amendment to the bill:

Amend **S.B. 90** by renumbering Section 3 as Section 5, renumbering the remaining sections accordingly and inserting Sections 3 and 4 to read as follows:

Sec. 3. Subdivision 3, Subsection A, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

3. Any member may withdraw from service prior to the attainment of the age of sixty (60) years who shall have completed at least thirty (30) years of creditable service as an employee or appointive officer, or twelve (12) years of creditable service as an elective official and shall become entitled to a service retirement upon attaining the age of fifty-five (55) without actuarial reduction because of age. Any person previously retired with thirty (30) years or more of creditable service, as an employee or appointive officer, or twelve (12) years or more ~~years~~ of creditable service as an elective official and who at the time of retirement was at least fifty-five (55) years, but less than sixty (60) years of age, and whose service annuity was actuarially reduced, may, on and after the effective date of this Act, apply in writing for recomputation of his annuity so as to restore the reduction previously imposed, such restoration to be effective only with respect to annuity payments due for the month of September, 1973, ~~in which such application is received~~ and thereafter. Any member with thirty (30) years or more of creditable service, as an employee or appointive officer, or twelve (12) years or more of creditable service as an elective official may withdraw from service prior to the attainment of the age of fifty-five (55) years and shall become entitled to a service retirement allowance provided such member has attained the age of fifty (50) and provided further that his retirement allowance shall be actuarially reduced from age fifty-five (55) to the earlier retirement age. Employee and appointive officer members may withdraw from service prior to the attainment of the age of sixty (60) years who shall have completed at least twenty-five (25) years of creditable service and shall become entitled to a service retirement allowance provided that such member has attained the age of fifty-five (55) and provided further that his retirement allowance shall be actuarially reduced from age sixty (60) to the earlier retirement age. It is further provided that a member who has completed twenty (20) or more years of creditable service as a commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, Parks and Wildlife Department, Alcoholic Beverage Commission, or as a custodial officer of the State Board of Corrections of the State of Texas, may withdraw from service prior to the attainment of the age of fifty-five (55) years and shall become entitled to a service retirement allowance provided such member has attained the age of fifty (50) and provided further that his retirement allowance shall be actuarially reduced from age fifty-five (55) to the earlier retirement age.

Sec. 4. Subdivision 4, Subsection B, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

4. Reemployment of Retired Appointive Officers or Employees.

Any retired appointive officer or employee may return to state employment as an appointive officer or employee, on a temporary basis, provided, however, that such reemployment shall not be for a longer period than six (6) months within any one (1) year. Any retired appointive officer or employee reemployed by the state on a part-time or consulting basis may work without loss of benefits under the Employees Retirement System. It is provided that in the event a retired state appointive officer or employee resumes temporary employment with a state department, commission, institution or agency, he shall notify the Retirement System in writing prior to resuming actual employment, and the head of any state department, commission, institution or agency of the state shall notify the Retirement System in writing before employment of a retired state appointive officer or employee and furnish the Retirement System the name of said retired appointive officer or employee and the dates of employment. After a reemployed, retired appointive officer or employee has worked six (6) months in any one (1) year, retirement benefit payments that would otherwise have been paid to said member shall be suspended and shall be resumed when said member leaves said employment. (~~provided that the annuity payments as suspended shall be paid into the State Accumulation Fund.~~) For the purposes of the six (6) months per year limitation on reemployment, employment for any part of a month shall constitute a full month. It is provided further, that if the retired member had elected to receive an annuity in a guaranteed payment for a certain number of years or months after retirement, that the time so spent in state employment over six (6) months within any one (1) year by such retired member after the initial or original retirement shall not count as time within said certain number of years or months. (~~the same as if said retired member had not returned to state employment, provided that said~~) Any retired member temporarily employed in a class of service from which he has retired shall not contribute to the Retirement System during such reemployment, and the Retirement Plan in effect at the time of his original retirement shall remain unchanged.

The Committee Amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend S.B. 90 by adding a new Section 1 to read as follows and by renumbering subsequent sections accordingly:

Section 1. Subsection A, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"A. The membership of said Retirement System as an appointive officer or employee of any department, commission, institution or agency of the State Government of the State of Texas shall be composed as follows:

"All persons who on the effective date of this Act are members of the Employees Retirement System of Texas shall continue to be members of this System subject to the provisions of this Act. The following persons shall, however, not be eligible for participation in the Retirement System:

"1. Persons who are covered by the Teachers Retirement System or the Judicial Retirement System of the State of Texas.

"2. Persons employed on a piecework basis or operators of equipment or drivers of teams whose wages are included in the rental rate paid the owners of said equipment or team.

"Persons employed by the Senate of the State of Texas in positions normally requiring less than 900 hours per year shall be members of the Employees Retirement System at their option."

The amendment was read.

Senator Doggett moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Brooks, Farabee, Gammage, Longoria, McKnight, Mengden and Ogg.

Absent-excused: Adams.

Absent: Mauzy.

Senator Ogg offered the following amendment to the bill:

Amend S.B. 90 by adding a new Section 1 to read as follows and by renumbering subsequent sections accordingly:

Section 1. Subsection A, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"A. The membership of said Retirement System as an appointive officer or employee of any department, commission, institution or agency of the State Government of the State of Texas shall be composed as follows:

"All persons who on the effective date of this Act are members of the Employees Retirement System of Texas shall continue to be members of this System subject to the provisions of this Act. The following persons shall, however, not be eligible for participation in the Retirement System:

"1. Persons who are covered by the Teachers Retirement System or the Judicial Retirement System of the State of Texas.

"2. Persons employed on a piecework basis or operators of equipment or drivers of teams whose wages are included in the rental rate paid the owners of said equipment or team.

"3. Persons employed by the Senate of the State of Texas in positions normally requiring less than 900 hours per year.

The amendment was read.

On motion of Senator Moore the amendment was tabled.

On motion of Senator Doggett, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 90 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Adams.

COMMITTEE APPOINTED

The President announced the appointment of the following to the Energy Sub-Committee of the Committee on Natural Resources: Senator McKnight, chairman; Senators Farabee and Kothmann.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, February 17, 1975

S.B. 70 - Senator Brooks
S.B. 85 - Senator Aikin
S.B. 195 - Senator Snelson
H.B. 216 - Senator Aikin

MEMORIAL RESOLUTIONS

H.C.R. 27 - Memorial resolution for Mrs. Dolph Briscoe, Sr.

S.R. 179 - By Senator Doggett: Memorial resolution for Herbert W. Lennie.

S.R. 181 - By Senator Ogg: Memorial resolution for Jesus Ruiz.

CONGRATULATORY RESOLUTIONS

H.C.R. 38 - Congratulatory resolution for The Honorable Ben Atwell.

H.C.R. 47 - Congratulatory resolution for Walter F. Cotton.

S.R. 180 - By Senator Traeger: Extending congratulations to Texas Lutheran College Football Team.
